

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1088

H.P. 814 House of Representatives, April 2, 1987
Reference to the Committee on Agriculture suggested and
ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative CARROLL of Gray.
Cosponsored by Senators PERKINS of Hancock, ANDREWS of
Cumberland and Representative MITCHELL of Freeport.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

**AN ACT to Require Labeling of Foods Processed
with Radiation.**

Be it enacted by the People of the State of Maine as
follows:

**Sec. 1. 22 MRSA §2157, sub-§11, as amended by PL
1985, c. 676, §2, is further amended to read:**

11. Artificial flavoring and coloring. If it
bears or contains any artificial flavoring, artificial
coloring or chemical preservative, unless it
bears labeling stating the fact. If the artificial
flavoring and artificial coloring declaration does
not refer to the entire contents of the package, the
words "artificial flavoring" and "artificial coloring"
must follow immediately each of the ingredients

1 of the package containing one or more of these sub-
2 stances. The common or usual name of any chemical
3 preservative must be immediately followed by the
4 words "chemical preservation". To the extent that
5 compliance with the requirements of this subsection
6 is impracticable, exemptions shall be established by
7 regulations promulgated by the Commissioner of "Agri-
8 culture, Food and Rural Resources". This subsection,
9 and subsections 7 and 9, with respect to artificial
10 coloring, shall not apply in the case of butter,
11 cheese or ice cream; or

12 Sec. 2. 22 MRSA §2157, sub-§12, as enacted by PL
13 1985, c. 676, §3, is amended to read:

14 12. Sulfite. "Sulfite" means sulfur dioxide, so-
15 dium sulfite, sodium bisulfite, potassium bisulfite,
16 sodium metabisulfite or potassium metabisulfite which
17 is added to food to prevent or retard the deteriora-
18 tion of that food.

19 If a person sells, offers for sale or serves in any
20 retail store, hotel, restaurant or other public eat-
21 ing place any food or food product, whether or not in
22 package form, to which that person has added any
23 sulfite then:

24 A. The package in which that food or food
25 product is offered for sale must conspicuously
26 bear a label or stamp indicating that the food or
27 food product contains sulfite; or

28 B. When the food or food product is offered for
29 consumption and is not packaged, a conspicuous
30 label or sign must be placed on the food, immedi-
31 ately next to the food or on the menu, indicating
32 that the food or food product contains sulfite.

33 This subsection shall be repealed on April 1, 1988;
34 or

35 Sec. 3. 22 MRSA §2157, sub-§13 is enacted to
36 read:

37 13. Food processed with radiation. If it has
38 been processed with radiation or contains ingredients

1 which have been processed with radiation, unless it
2 is labeled "treated with radiation" or "treated by
3 irradiation." The labeling requirement of this sub-
4 section may also be satisfied by posting a sign next
5 to each display of an irradiated food item. The sign
6 shall be at least 8 inches by 11 inches and the let-
7 tering, in contrasting color to the background of the
8 sign, shall be at least one inch high. The sign shall
9 state: "This food item (specific item) has been
10 treated with either ionizing or gamma radiation."

11 **Sec. 4. 22 MRSA §2502 is enacted to read:**

12 §2502. Labeling of food processed with radiation

13 Any eating establishment which serves food which
14 have been processed with radiation shall place an as-
15 terisk or other identifying mark beside the name of
16 each irradiated food item where it appears on the
17 menu and provide an explanation of the asterisk or
18 other identifying mark at the bottom of each page of
19 the menu on which an irradiated food is named. If no
20 menu is available, the eating establishment shall
21 post a sign in a conspicuous place identifying the
22 food treated with radiation. The explanation or sign
23 shall include the statement: "This food item has been
24 treated with ionizing or gamma radiation."

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STATEMENT OF FACT

2 The United States Food and Drug Administration
3 and the United States Department of Energy, in coop-
4 eration with the food processing industry, is active-
5 ly promoting the irradiation of food as a way to pre-
6 serve food while making use of nuclear waste. Cur-
7 rently, the United States Food and Drug Administra-
8 tion permits irradiation of potatoes, wheat, spices,
9 herbs, dehydrated vegetables, certain teas, pork,
10 fresh fruits and fresh vegetables. The United States
11 Food and Drug Administration requires these foods to
12 be labeled with the words "treated by irradiation"
13 and a logo that looks like a flower. In April, 1988,
14 the verbal explanation on the label will no longer be
15 required and only the flower logo will remain.

16 Radiation of foods alters the chemical composi-
17 tion of the foods and creates new substances known as
18 radiolytic products. Despite the assurances of the
19 United States Food and Drug Administration that
20 irradiated food is safe for human consumption, there
21 is very little scientific evidence concerning the
22 long-term effects of human consumption of irradiated
23 foods. Only 5 of the 441 scientific studies the
24 United States Food and Drug Administration reviewed
25 were sufficiently strict in method or analysis to
26 satisfy legal requirements for safety reviews.

27 Current labeling requirements permit the consumer
28 to decide whether to consume foods treated with radi-
29 ation. When the labeling requirement is amended in
30 1988 to require only the flower logo, the consumer
31 will no longer have the choice. The vast majority of
32 consumers will not associate the flower logo with
33 irradiated foods.

1 This bill creates a state labeling requirement
2 similar to the federal requirement. By maintaining
3 the language requirement on the label, the consumer
4 will continue to be able to make an informed choice
5 concerning the potential hazards to which they wish
6 to expose their bodies. This bill requires food
7 products which contain irradiated ingredients and
8 food products served in eating establishments to be
9 labeled. This gives the consumer the freedom to
10 choose what he wishes to eat in all situations.

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